

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

NYREE BELTON,
Debtor.

**ORDER REMANDING
CASES TO BANKRUPTCY
COURT**

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NYREE BELTON, Debtor and Plaintiff on
behalf of herself and all others similarly
situated,
Plaintiff,

15 CV 1934 (VB)

v.

GE CAPITAL CONSUMER LENDING, INC.
a/k/a GE MONEY BANK,
Defendant.

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In re:

KIMBERLY BRUCE,
Debtor.

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KIMBERLY BRUCE, Debtor and Plaintiff on
behalf of herself and all others similarly
situated,
Plaintiff,

15 CV 3311 (VB)

v.

CITIGROUP INC., CITIBANK, N.A., and
CITIBANK (SOUTH DAKOTA), N.A.,
Defendants.

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On December 15, 2014, and July 7, 2015, the Bankruptcy Court stayed the underlying bankruptcy cases pending appeal. (Doc. #98, Order Staying Adversary Proceeding at 2, In re Belton, No. 14-08223 (Bankr. S.D.N.Y. Dec. 15, 2014); Doc. #92, Order Staying Adversary Proceeding at 4, In re Bruce, No. 14-08224 (Bankr. S.D.N.Y. Jul. 7, 2015).

The Second Circuit's mandates were issued in these bankruptcy appeals on July 8, 2020. (Doc. #51 in 15 CV 1934; Doc. #43 in 15 CV 3311). On July 22, 2020, the parties filed a joint status report regarding proposed next steps, including whether or not the cases should be remanded to the Bankruptcy Court. (Doc. #53 in 15 CV 1934; Doc. #45 in 15 CV 3311).

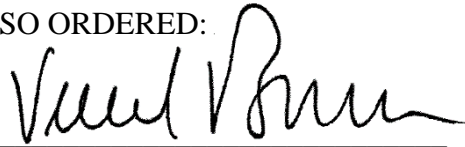
Defendants stated that at least one defendant will file a petition for certiorari with the Supreme Court and requested that the Court defer further action until the Supreme Court decides the petition for certiorari. Plaintiffs requested the cases be remanded to the Bankruptcy Court for a determination of whether the Bankruptcy Court intended its stays to remain in place during the pendency of an appeal to the Supreme Court.

In light of the fact that the Bankruptcy Court's stays have been in place for more than five years, the Court agrees that the Bankruptcy Court should determine whether the stays should remain in place during the pending of an appeal to the Supreme Court.

Accordingly, it is HEREBY ORDERED these cases are remanded to the Bankruptcy Court for further proceedings consistent with the Second Circuit's Opinion dated June 15, 2020.

Dated: July 27, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge